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Message Text

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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 1491
INFO AMEMBASSY BONN
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AMEMBASSY MOSCOW
AMEMBASSY OTTAWA
AMEMBASSY THE HAGUE
AMEMBASSY STOCKHOLM
AMEMBASSY ROME
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TAGS: PARM, CCD
SUBJECT: CCD - ENMOD WORKING GROUP, JULY 26, 1976

REF: GENEVA 5629

1. SUMMARY: USSR AND GDR REPS CRITICIZED NETHERLANDS-SWEDEN PROPOSAL FOR CONSULTATIVE COMMITTEE UNDER ARTICLE V AS GOING FAR BEYOND FACT-FINDING FUNCTION.
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JAPANESE REP INDICATED THAT COMMITTEE OF EXPERTS UNDER

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JAPAN'S ARTICLE V PROPOSAL COULD INCLUDE EXPERTS FROM UN AGENCIES (E.G. WMO, UNEP). INTERESTED COUNTRIES AGREED TO CONSULT SEPARATELY ON ARTICLE V ISSUES. EGYPTIAN AND MOROCCAN REPS ADVOCATED ADDING ARABIC AS AN AUTHENTIC LANGUAGE OF THE ENMOD CONVENTION. (WASHINGTON GUIDANCE REQUESTED). INDIAN REP, SUPPORTED BY SEVERAL OTHERS, SUGGESTED CHANGES TO UK PROPOSAL ON REVIEW CONFERENCES. THERE WAS CONSIDERABLE DISCUSSION OF METHOD OF PRESENTING WORKING TEXT DURING THIRD READING, WITH USSR STRONGLY (AND APPARENTLY SUCCESSFULLY) OPPOSING USE OF BRACKETED LANGUAGE WHERE CONSENSUS HAD NOT YET BEEN ACHIEVED. END SUMMARY.

2. USSR REP (LIKHATCHEV), DECLARING THAT THE USSR HAS TAKEN MANY CONSTRUCTIVE STEPS FORWARD ON ARTICLE V, SAID THE JAPANESE PROPOSAL FOR COMMITTEE OF EXPERTS CONVOKED BY THE DEPOSITARY ON REQUEST OF A PARTY IS VERY CLOSE TO SOVIET VIEWS. HE MAINTAINED, HOWEVER, THAT THE ARTICLE V QUESTION HAD BEEN COMPLICATED BY THE NETHERLANDS-SWEDISH SUBMISSION OF A COMPLETELY DIFFERENT DOCUMENT THAT GAVE THE ADVISORY BODY FUNCTIONS GOING FAR BEYOND FACT-FINDING AND FACILITATING CONSULTATIONS BETWEEN PARTIES. LIKHATCHEV ALLEGED THAT DUTCH AND SWEDES SEEMED NOT TO BE SEARCHING FOR A COMPROMISE, BUT INSTEAD TO BE HARDENING THEIR POSITIONS, AND THAT BY ADDING POLITICAL FUNCTIONS TO THE ADVISORY BODY THEY "EVEN ATTEMPT TO BRING THIS PROBLEM TO A DEAD END."

3. LIKHATCHEV DECLARED THAT THE USSR COULD AGREE NEITHER TO EXPANDING THE FUNCTIONS OF THE ADVISORY BODY, NOR TO A LIMITATION OF ITS MEMBERSHIP. REJECTING CONCEPT OF GEOGRAPHICAL REPRESENTATION, HE SAID THE EXPERTS BODY, IN KEEPING WITH THE EQUALITY OF PARTIES, SHOULD BE OPEN TO ALL. HE MAINTAINED THAT ESTABLISHING PERMANENT CONSULTATIVE BODY WOULD NOT BE APPROPRIATE; INSTEAD, AN AD HOC COMMITTEE, AS ENVISAGED IN THE JAPANESE PROPOSAL, SHOULD BE CONVENED BY THE DEPOSITARY (THE UNSYG) UPON THE REQUEST OF ONE OR MORE PARTIES. THUS, THE BODY WOULD BE CONVENED ONLY WHEN A QUESTION HAD BEEN RAISED. LIKHATCHEV SAID CONSULTATIONS AMONG THE SPNSORS OF THE VARIOUS
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ARTICLE V PROPOSALS COULD BE USEFUL, BUT ONLY IF IT WERE UNDERSTOOD THAT THE CONSULTATIVE BODY'S FUNCTION WOULD BE CONFINED TO FACT-FINDING CONSULTATIONS AND NOT INCLUDE PREPARATIONS FOR REVIEW CONFERENCES OR CONSIDERATION OF AMENDMENTS.

4. GDR REP (HERDER) GAVE A NUMBER OF SPECIFIC CRITICISMS OF THE NETHERLANDS-SWEDEN PROPOSAL. FIRST, HE SAID,

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CONSIDERING AMENDMENTS SHOULD NOT BE ASSIGNED TO A LIMITED NUMBER OF STATES PARTY, AS IT WOULD BE IN A CONSULTATIVE COMMISSION WITH A RESTRICTED MEMBERSHIP, BECAUSE ALL STATES PARTY HAVE A RIGHT TO PARTICIPATE IN CONSIDERING AMENDMENTS FROM THE BEGINNING. SECOND, AS THE PURPOSE OF THE INTERMEDIATE BODY WOULD BE TO CONSIDER ALLEGATIONS CONCERNING POSSIBLE SPECIFIC VIOLATIONS, THERE WAS NO REASON FOR IT TO HAVE PERMANENT STATUS. THIRD, UNDER THE DUTCH-SWEDISH PROPOSAL THE CONSULTATIVE COMMISSION WOULD ACT AS A COMPLETELY INDEPENDENT BOYD, LACKING A STRICTLY DETERMINED AND DELIMITED RELATIONSHIP VIS-A-VIS THE SECURITY COUNCIL. FOURTH, SINCE THE HEART OF ARTICLE V IS THE COMPLAINTS PROCEDURE, IT WAS INADVISABLE TO ADD TO THE CONSULTATIVE COMMISSION'S FUNCTIONS CONSIDERATION OF AMENDMENTS, OR SETTING UP REVIEW CONFERENCES.

5. NETHERLANDS REP (VAN DER KLAAUW) REPLIED BRIEFLY TO USSR AND FRG STATEMENTS. HE SAID THE NETHERLANDS-SWEDEN PROPOSAL HAD BEEN MADE NOT TO RAISE DIFFICULTIES, BUT BECAUSE THE QUESTION OF COMPLAINTS PROCEDURES IS EXTREMELY IMPORTANT, AND BECAUSE ITS SPONSORS WANT TO SEE CLEARLY WHAT RESPONSIBILITIES THEY WOULD TAKE UPON THEMSELVES BY ACCEDING TO THE CONVENTION. VAN DER KLAAUW AGREED THAT THE COMPLAINTS PROCEDURE IS THE MAIN POINT OF ARTICLE V; WHEN WORKING ON THEIR PROPOSAL, HE SAID, IT HAD OCCURRED TO DUTCH AND SWEDES THAT IT WOULD BE USEFUL TO ADD OTHER FUNCTIONS TO COMMITTEE'S COMPETENCE. HE HOPED THAT CONSULTATIONS AMONG INTERESTED COUNTRIES WOULD LEAD TO AN ACCEPTABLE RESOLUTION OF DIFFERENCES ON ARTICLE V.

6. JAPANESE REP (OGISO), REPLYING TO QUESTIONS POSED BY INDIAN REP (MISHRA), STATED THAT UNDER THE JAPANESE LIMITED OFFICIAL USE

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ARTICLE V PROPOSAL THE COMMITTEE OF EXPERTS WOULD ONLY CONDUCT FACT-FINDING AT THE REQUEST OF STATES PARTY, AND THAT THE REFERENCE TO "APPROPRIATE INTERNATIONAL ORGANIZATIONS" WOULD IN PRACTICE APPLY TO THOSE IN THE UN FAMILY BUT WOULD NOT NECESSARILY EXCLUDE OTHER, NON-UN, ORGANIZATIONS IN THE FUTURE. ON WHETHER OR NOT THE COMMITTEE COULD INCLUDE EXPERTS FROM UN AGENCIES SUCH AS WMO AND UNEP, OGISO SAID JAPAN'S ORIGINAL INTENT WAS TO LIMIT THE COMMITTEE TO EXPERTS NOMINATED BY STATES PARTY, BUT THAT IF THERE WERE GENERAL SUPPORT FOR INCLUDING EXPERTS FROM UN AGENCIES THE JAPANESE DELEGATION WOULD BE ENTIRELY FLEXIBLE.

7. BRAZILIAN REP (BIER) ANNOUNCED HIS SUPPORT FOR THE PRINCIPLE OF CREATING AN INTERMEDIATE BODY, PROVIDING

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THAT ITS FUNCTIONS ARE LIMITED TO FACT-FINDING AND THAT
IT SUPPLIES INFORMATION ON EACH CASE WHICH COULD LEAD TO
SECURITY COUNCIL ACTION.

8. CHAIRMAN-OF-THE-DAY SCHLAICH (FRG) BROUGHT UP THE
QUESTION OF THE NUMBER OF RATIFICATIONS REQUIRED FOR ENTRY
INTO FORCE OF THE CONVENTION (ARTICLE VIII). HE NOTED
THAT THE NPT HAD REQUIRED FORTY ADHERENCES AND THE BWC
TWENTY-TWO, INCLUDING THOSE OF THE DEPOSITARIES, AND
SUGGESTED THAT THE CCD MIGHT CONSIDER SOME NUMBER IN BETWEEN.
THE MATTER WAS NOT DISCUSSED FURTHER.

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9. EGYPTIAN REP (EL IBRASHI) RECOMMENDED ADDING ARABIC IN ARTICLE IX AS THE SIXTH AUTHENTIC LANGUAGE OF THE ENMOD CONVENTION. MOROCCAN REP (RAHHALI), SUPPORTING EGYPTIAN SUGGESTION, NOTED THAT ARABIC IS NOW CONSIDERED A WORKING LANGUAGE OF THE UNGA AND ITS COMMITTEES, AND FELT THE RECOMMENDATION SHOULD HARDLY POSE A PROBLEM. US REP (MARTIN), NOTING DISTINCTION BETWEEN OFFICIAL AND WORKING LANGUAGES OF THE UNGA, SAID HE WOULD REQUEST INSTRUCTIONS FROM WASHINGTON (ACTION REQUESTED: GUIDANCE ON THE EGYPTIAN PROPOSAL
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10. ON THE QUESTION OF REVIEW CONFERENCES, MARTIN SAID THAT DISCUSSION WAS INHIBITED BY LACK OF A TEXT TO WORK FROM, AND SUGGESTED THAT TEXT OF UK PROPOSAL (CONTAINED PARA 8 REFTEL) COULD BE USED FOR THAT PURPOSE. ITALY SUPPORTED THIS SUGGESTION, BUT ROMANIA ADVOCATED USING PARAGRAPH VIII (3) OF THE NPT. QUESTION WAS LEFT UNSETTLED.

11. GDR REP (HERDER), NOTING PROBLEMS WITH MANDATORY REVIEW PROVISIONS IN SEABEDS TREATY, SAID THERE SHOULD NOT BE FIXED SCHEDULE FOR HOLDING REVIEW CONFERENCES AND THAT PROVISION IN ENMOD TREATY SHOULD BE AS FLEXIBLE AS POSSIBLE. INDIAN REP (MISHARA) SUGGESTED THAT THE FIRST REVIEW CONFERENCE SHOULD AUTOMATICALLY BE HELD FIVE YEARS AFTER THE CONVENTION'S ENTRY INTO FORCE, BUT THAT SUBSEQUENT REVIEW CONFERENCES SHOULD BE HELD UPON REQUEST OF A MAJORITY OF STATES PARTY OR AT EIGHT-YEAR INTERVALS, WHICHEVER CAME FIRST. AFTER RECEIVING SUPPORT FROM REPS OF YUGOSLAVIA (MIHAILOVIC,), ARGENTINA (BERASETEGUE), EGYPT (EL IBRASHI), AND ROMANIA (ENE), MISHRA THEN FORMULATED SPECIFIC RECOMMENDATIONS KEYED TO THE UK PROPOSAL: (A) IN PARAGRAPH 1, BRACKET THE WORDS "CONSULTATIVE COMMISSION" AND FOLLOW THEM WITH THE WORD "DEPOSITORY" ALSO IN BRACKETS; IN ADDITION, BRACKET THE PHRASE "INCLUDING THOSE COVERING THE OPERATION OF THE CONSULTATIVE COMMISSION"; AND (B) THE FOLLOWING NEW TEXT FOR PARAGRAPH 2: "THE FIRST SUCH CONFERENCE SHALL TAKE PLACE FIVE YEARS AFTER ENTRY INTO FORCE OF THE CONVENTION. THE SECOND AND SUBSEQUENT REVIEW CONFERENCES SHALL TAKE PLACE IN ACCORDANCE WITH THE PROCEDURE OUTLINED IN PARAGRAPH 1, PROVIDED THAT IF NO CONFERENCE HAS BEEN REQUESTED WHEN EIGHT YEARS HAVE ELAPSED AFTER THE LAST CONFERENCE, ((THE CONSULTATIVE COMMISSION)) ((THE DEPOSITORY)) SHALL CONVENE SUCH A CONFERENCE." BRAZILIAN REP (BIER) STATED HIS SUPPORT FOR THE INDIAN PROPOSAL IN

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ITS ENTIRETY, BUT ADVOCATED INCLUSION IN THE REVIEW
CONFERENCE ARTICLE OF A REFERENCE TO SUBSTANTIVE TASKS.

12. IN BRIEF DISCUSSION OF THE PREAMBLE, FRG REP (SCHLAICH)
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REAFFIRMED HIS DELEGATION'S PROPOSAL TO REVISE PHRASE
"MILITARY OR ANY OTHER HOSTILE USE" IN TITLE, PREAMBLE,
AND ARTICLE I. YUGOSLAVIA ADVOCATED THE PHRASE
"PUTTING AN END TO THE ARMS RACE" INSTEAD OF "LIMITING
THE ARMS RACE" OR (AS IN ITS EARLIER PROPOSAL)
"ELIMINATING THE ARMS RACE." US REP (MARTIN) ASKED WHETHER
THE REFERENCE TO GENERAL AND COMPLETE DISARMAMENT CONTAINED
IN REVISED PREAMBULAR PARAGRAPH ONE WAS GENERALLY ACCEPTABLE.
ARGENTINA AND YUGOSLAVIA WITHDREW THEIR EARLIER PROPOSALS
ON GCD AND DECLARED THAT THE REFERENCE WAS ACCEPTABLE,
BUT ROMANIA REITERATED ITS RPOOPOSAL TO ADD A SPECIFIC
REFERENCE TO NUCLEAR DISARMAMENT. WORKING GROP AGREED
TO DEFER FURTHER CONSIDERATION OF RELEVANT PARTS OF THE
PREAMBLE AND THE TITLE, UNTIL ISSUES CONCERNING RELATED
LANGUAGE IN OPERATIVE SECTION WERE RESOLVED.

13. CHAIRMAN-OF-THE-DAY (FRG, SCHLAICH) PRECIPATED
EXTENDED DEBATE BY INQUIRING WHETHER BRACKETS, APPLIED
TO THE EXISTING DRAFT TEXT AND THE VARIOUS PROPOSALS WHICH
REMAIN ACTIVE, SHOULD BE USED AS A WORKING METHOD DURING
THE THIRD READING. ARGENTINA SUPPORTED THE USE OF BRACKETS,
OR AT LEAST LEAVING THE QUESTION OPEN; INDIA, JAPAN,
AND ITALY SAID THAT BRACKETS MIGHT BE USED AS AN INTERNAL
WORKING METHOD, PROVIDED THAT THERE WAS NO QUESTION OF
USING THEM IN THE WORKING GROUP'S REPORT TO THE CCD PLENARY.
USSR REP (LIKHATCHEV) STRONGLY OPPOSED THE USE OF BRACKETS
FOR ANY PURPOSE, DECLARING THAT THE SECRETARIAT SUMMARIES
CLEARLY REPRESENT THE STATE OF NEGOTIATIONS.
CANADIAN REP (SIMARD) RECOMMENDED THAT THE SECRETARIAT
PREPARE AN OVERALL SUMMARY OF THE EXISTING DRAFT TEXT
(ORIGINAL TEXT AS MODIFIED WITH AGREEMENT OF CO-SPONSORS),
TOGETHER WITH ALL ACTIVE PROPOSALS TO AMEND IT. THIS
METHOD WAS SUPPORTED BY ARGENTINA, THE GDR, AND ITALY, AND
WAS AGREED UPON AFTER SECRETARIAT INDICATED ITS ABILITY
TO COMPLY WITH THE RECOMMENDATIONS.

14. FECAUSE OF CONSULTATIONS IN PROGRESS, FURTHER
SECOND-READING CONSIDERATION OF ARTICLE V AND REVIEW
CONFERENCE PROVISIONS WAS DEFERRED. IT IS EXPECTED THAT
THE THIRD READING WILL BEGIN AT WORKING GROUP'S NEXT
MEETING, POSSIBLE PASSING OVER THOSE TOPICS AS WELL AS
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ARTICLE I.

15. NEXT MEETING OF ENMOD WORKING GROUP SCHEDULED FOR WEDNESDAY, JULY 28. ABRAMS

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